

**REMARKS**

This present Response is being filed in reply to the Office Action dated June 10, 2005. Claims 1-16 are pending in the application, of which claims 6, 9, and 15 are withdrawn from consideration as being directed to a non-elected Species.

***Allowable Subject Matter***

The Applicants wish to thank the Examiner for indicating that claim 4 recites allowable subject matter.

Applicants note that claims 14 and 16 were not rejected in the Office Action. Applicants consider claims 14 and 16 to recite allowable subject matter.

***Specification***

In response the objection to the specification, Applicants amend the specification to recite the publication number of the application incorporated by reference.

***Rejection Pursuant to 35 U.S.C. § 102(b)***

The Office Action rejected claims 1-3, 5, 7, 8 and 10-13 pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,206,881 of Frigg, arguing that Frigg discloses a bone fixation system substantially as claimed in independent claims 1, 7, 10 and 12. Applicants respectfully disagree.

**Independent Claims 1 and 7**

Independent claims 1 and 7 each recite a plate having at least one hole for receiving a bone anchor, the at least one hole including a plurality of concentric annular bores formed in the plate. Frigg does not disclose at least one hole including a plurality of concentric annular bores, as recited in independent claims 1 and 7. To the contrary, Frigg describes a plate (1) with holes (3) that may be fitted with threads (8) that advantageously match the threads (9) or spiral structures on the bone screw head (5) (col.2 lines 22-26). The threads (8) (see FIG. 3) cannot anticipate the plurality of concentric annular bores as claimed by the applicants. *The Machinery's Handbook*, 26<sup>th</sup> edition, defines a thread as "a continuous and projecting helical

ridge usually of uniform section on a cylindrical or conical surface.” In contrast, the term annular is defined as “shaped like or forming a ring.” *The American Heritage® Dictionary of the English Language, Fourth Edition* (2000). Because a thread is a continuous helical (or spiraling) structure and is not shaped like a ring nor forms a ring, threads cannot form a plurality of concentric annular bores. For at least this reason, Applicants do not consider the threads (8) disclosed in Frigg to anticipate the subject matter of independent claims 1 and 7. Therefore, Applicants respectfully request that the rejection of claims 1 and 7, and claims 2, 3, 5 and 8 dependant thereon, under 35 U.S.C. § 102(b) be withdrawn.

#### Independent claims 10 and 12

Independent claims 10 and 12 each recite a plate having at least one hole for receiving a bone anchor, the at least one hole having a generally stepped-shaped inner wall surface, a plurality of the steps of the inner wall surface having a generally annular peak. Frigg does not disclose a hole having a generally stepped-shaped inner wall surface that includes a plurality of steps having a generally annular peak. As discussed above, Frigg describes a plate hole (3) fitted with threads (8) for engaging matching threads (9) on the head (5) of the bone screw (4). As stated above, *The Machinery's Handbook*, 26<sup>th</sup> edition, defines a screw thread as “a continuous and projecting helical ridge usually of uniform section on a cylindrical or conical surface.” In contrast, the term annular is defined as “shaped like or forming a ring.” *The American Heritage® Dictionary of the English Language, Fourth Edition* (2000). Because a thread is a continuous helical (or spiraling) structure and is not shaped like a ring nor forms a ring, a thread cannot form a step having a generally annular peak. For at least this reason, Applicants do not consider the threads (8) disclosed in Frigg to anticipate the subject matter of independent claims 10 and 12. Therefore, Applicants respectfully request that the rejection of claims 10 and 12, and claims 11 and 13 dependant thereon, under 35 U.S.C. § 102(b) be withdrawn.

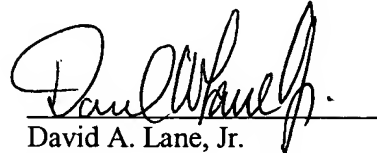
#### Conclusion

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney

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would be helpful in expediting the prosecution of the application, the Examiner is invited to call the undersigned at (508) 880-8488.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Lane, Jr.", written over a horizontal line.

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